

**Introduced by Senator Kehoe**February 21, 2006

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An act to amend Section 27255 of the Government Code, and to add Article 3 (commencing with Section 5096.520) to Chapter 1.695 of Division 5 of the Public Resources Code, relating to resource conservation.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1360, as introduced, Kehoe. County records: conservation easement registry.

(1) Existing law requires the county recorder in each county to develop and maintain, within the existing indexing system, a comprehensive index of conservation easements on land in that county. Existing law also requires the county recorder, with respect to conservation easements affecting property within the county, recorded on or after January 1, 2002, to include the conservation easement in the index, if the document is properly labeled, or if a Notice of Conservation Easement is also recorded. Existing law authorizes specified parties to conservation easements to fill out and record a Notice of Conservation Easement for conservation easements recorded prior to January 1, 2002. The Notice of Conservation Easement states that no fee is required for recording the document pursuant to a provision exempting state and local officials from such fees.

This bill would delete from the Notice of Conservation Easement that statement that no fee is required by that provision.

(2) Existing law authorizes various agencies to acquire land for purposes related to conservation. Existing law specifies certain requirements and procedures for the acquisition of conservation lands.

This bill would require the Secretary of the Resources Agency to establish a central public registry of all conservation easements, as defined, all open-space easements, as defined, and all agricultural conservation easements, as defined, held or required by the state or purchased with state grant funds on or after January 1, 2000, provided by any agency, department, or division of the state. The bill would provide that the registry shall be accessible for use by the general public. The bill would require the registry to include, and the secretary to provide on the Internet, information on these conservation, open-space, and agricultural conservation easements, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
 2 following:  
 3 (a) Conservation easements and agricultural conservation  
 4 easements are a valuable tool and a cost-effective way to protect  
 5 the state’s natural resources.  
 6 (b) It is important to ensure that the public has information on  
 7 how moneys are spent by state agencies when purchasing  
 8 easements for the preservation and protection of critically needed  
 9 conservation and agricultural lands.  
 10 (c) Information regarding easements should be disseminated in  
 11 a readily and easily available manner.  
 12 (d) A central public registry of conservation easements,  
 13 open-space easements, and agricultural conservation easements  
 14 would provide information that would lead to better conservation  
 15 and resource planning among state agencies, local governments,  
 16 nonprofit organizations, and the public.  
 17 SEC. 2. Section 27255 of the Government Code is amended  
 18 to read:  
 19 27255. (a) The county recorder in each county shall develop  
 20 and maintain, within the existing indexing system, a  
 21 comprehensive index of conservation easements and Notice of  
 22 Conservation Easements on land within that county. The  
 23 conservation easement index developed and maintained pursuant  
 24 to this subdivision shall include all conservation easements  
 25 recorded on and after January 1, 2002.

1 (b) For the purposes of this section, “conservation easement”  
2 means any limitation in a recorded instrument that contains an  
3 easement, restriction, covenant, condition, or offer to dedicate,  
4 which is or has been executed by or on behalf of the owner of the  
5 land subject to that limitation and is binding upon successive  
6 owners of the land, and the purpose of which is to retain land  
7 predominantly in its natural, scenic, historical, agricultural,  
8 forested, or open-space condition. “Conservation easement”  
9 includes a conservation easement as defined in Section 815.1 of  
10 the Civil Code, an open-space easement as defined in Section  
11 51075 of this code, and an agricultural conservation easement as  
12 defined in Section 10211 of the Public Resources Code.

13 (c) On and after January 1, 2002, when a county recorder  
14 records a new conservation easement affecting property within  
15 the county, he or she shall include the easement in the index  
16 developed and maintained pursuant to subdivision (a), if the  
17 document containing the easement is entitled “Conservation  
18 Easement,” or the following document is properly filled out by  
19 the submitter, and recorded at the same time, or at a later date:  
20 Recording Requested by and  
21 When Recorded Return To:  
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<p>There is no fee required for the recording of this document pursuant to  Government Code Section 6103  NOTICE OF CONSERVATION EASEMENT</p>
<p>The undersigned hereby gives notice that a Conservation Easement was  recorded in the _____ County Recorder's  Office on _____  and recorded as Document Number _____.</p> <p>The grantors and grantees of the Conservation Easement were  Grantors _____  Grantees _____</p> <p>I declare under penalty of perjury that the above statement is true and  correct.  Signed, _____  Dated, _____</p> <p>THIS NOTICE IS FOR INDEXING PURPOSES ONLY, AND DOES  NOT, BY ITSELF, CONSTITUTE A CONSERVATION EASEMENT</p>

(d) In order to include conservation easements recorded prior to January 1, 2002, the comprehensive index of conservation easements and "Notice of Conservation Easements" developed and maintained pursuant to subdivision (a), any parties to conservation easements, including, but not limited to, the counties, cities, recreation and park districts or agencies, state conservancies, state agencies, the California Coastal Commission, land trusts, and nonprofit organizations, may fill out and record a Notice of Conservation Easement pursuant to subdivision (c) for each previously recorded conservation easement, in the county in which the affected real property is located.

(e) Pursuant to Section 27361, the standard fee charged by the county recorder for recording the conservation easement document shall include funds to cover the costs associated with indexing the document.

1 (f) It is the intent of the Legislature that nothing in this section  
2 shall be construed to require a county recorder to develop and  
3 maintain an index separate from the existing indexing system,  
4 and that the conservation easement index be established by using  
5 existing resources.

6 SEC. 3. Article 3 (commencing with Section 5096.520) is  
7 added to Chapter 1.695 of Division 5 of the Public Resources  
8 Code, to read:

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10 Article 3. Conservation Easement Registry

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12 5096.520. (a) The Secretary of the Resources Agency shall  
13 establish a central public registry of all conservation easements,  
14 held or required by the state or purchased with state grant funds  
15 on or after January 1, 2000, provided by any agency, department,  
16 or division of the state. In constructing the registry, the  
17 Resources Agency shall draw upon the Department of General  
18 Services' property inventory and other information held by a  
19 state agency, department, or division.

20 (b) For the purposes of this section, "conservation easement"  
21 means any limitation in a recorded instrument that contains an  
22 easement, restriction, covenant, condition, or offer to dedicate,  
23 that has been executed by or on behalf of the owner of the land  
24 subject to that limitation and is binding upon successive owners  
25 of the land, and the purpose of which is to retain land  
26 predominantly in its natural, scenic, historical, agricultural,  
27 forested, or open-space condition. "Conservation easement"  
28 includes a conservation easement as defined in Section 815.1 of  
29 the Civil Code, an open-space easement as defined in Section  
30 51075 of the Government Code, and an agricultural conservation  
31 easement as defined in Section 10211.

32 (c) The registry shall be accessible for use by the general  
33 public and shall provide information on conservation easements,  
34 including open-space easements and agricultural conservation  
35 easements, as described in subdivision (b). The registry shall  
36 include a copy of the easement.

37 (d) The registry shall include, and the Secretary of the  
38 Resources Agency shall provide on the Internet all of the  
39 following information on each conservation easement,

- 1 open-space easement, and agricultural conservation easement,  
2 listed in the registry:
- 3 (1) The recordation number assigned by the county recorder.
  - 4 (2) The purpose of the easement.
  - 5 (3) The location of the easement, identified by county and  
6 nearest city.
  - 7 (4) The identity of the easement holder.
  - 8 (5) The size of the easement in acres.
  - 9 (6) The amount in dollars, if any, of the state's contribution  
10 towards the easement transaction.
  - 11 (7) The date the easement transaction was completed.
- 12 (e) On or before January 1, 2009, the Secretary of the  
13 Resources Agency shall make the registry accessible to the  
14 general public, and shall update it biannually.